

REMARKS

This Response is to the Office Action dated June 2, 2005, and the telephonic interview courteously granted by the Examiner on August 4, 2005. Claims 1 to 15 are pending and have been rejected. A Petition for a Three-Month Extension of Time is submitted herewith. A Request for Continued Examination (RCE) is submitted herewith. A check in the amount of \$1,020.00 is submitted herewith to cover the cost of the three-month extension of time, and a check in the amount of \$790.00 is submitted herewith to cover the cost of the RCE. Please charge Deposit Account No. 02-1818 for any additional fees owed.

Claims 1 to 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over The Good Cook Techniques and Recipes publication ("*Good Cook*"). Applicants respectfully disagree and traverse the rejection for at least the reasons discussed below.

Good Cook fails to teach or suggest slicing a chilled whole poultry part into individual slices, each individual slice having a thickness sufficient to absorb a seasoning liquid solution throughout the entire slice as in Claim 1. *Good Cook* also fails to teach or suggest slicing a meat product into individual slices, the slices being of such thickness so that a seasoning liquid solution can permeate across each slice as recited in Claims 5 and 12. The Patent Office contends that *Good Cook* "achieves results substantially equivalent to...permeation of each piece throughout by liquid marinade." Office Action, page 2, ¶4. The Office Action relies on the "Teriyaki Broiled Chicken" recipe ("the Teriyaki recipe") on page 108 of *Good Cook* to allege that the solution permeates each piece throughout. The Teriyaki recipe discloses pouring a mixture of marinade ingredients over six chicken halves in a shallow dish and pressing and turning the pieces in the marinade. However, not only does the Teriyaki recipe not teach or suggest slicing the chicken halves into individual slices, nothing in the Teriyaki recipe even suggests that the marinade permeates throughout the entire chicken halves.

As suggested in the interview dated August 4, 2005, Applicant has prepared chicken according to the recipes relied upon in *Good Cook* to demonstrate that *Good Cook* does not disclose slicing the meat product into individual slices, the slices being of such thickness so that a seasoning liquid solution can permeate across each slice as in the claimed invention. Accordingly, Applicant has described the results of performing these steps in the Declaration of Robin Dunleavy Under 37 C.F.R. §1.132 ("the Declaration") submitted herewith. As set forth in

the Declaration, in the only recipe in *Good Cook* that discloses slicing chicken into individual slices, the “Stir-Fried Chicken with Fresh Mushrooms” recipe (“the Stir-fried recipe”) on page 96 of *Good Cook*, the marinade did not permeate the entire chicken slice. This is clearly demonstrated in the photographs of Exhibit A which will be included in a Supplemental Response to be filed subsequent to the filing of this Response. Of course, if a marinade could not permeate across each slice in the Stir-fried recipe, one of skill in the art would not expect the marinade to be capable of permeating across an entire chicken halve as in the Teriyaki recipe. Therefore, the disclosure in *Good Cook* would not have suggested to one of skill in the art slicing a chilled whole poultry part into individual slices, each individual slice having a thickness sufficient to absorb a seasoning liquid solution throughout the entire slice. Nor would the disclosure in *Good Cook* have suggested to one of skill in the art slicing a meat product into individual slices, the slices being of such thickness so that a seasoning liquid solution can permeate across each slice as recited in Claims 5 and 12.

Good Cook also fails to teach or suggest immersing individual slices into a seasoning liquid solution as in the claimed invention. The liquid volume disclosed in *Good Cook* is not sufficient to immerse the individual slices as in the claimed invention. In the Stir-Fried recipe, the 2 tbsp, or 30 ml, of liquid (cold water) combined with 2½ tsp (12 ml) of solid (corn starch and salt) of the marinade forms a paste which acts as a coating and would certainly not be of sufficient volume to immerse the pieces of chicken in the Stir-Fried recipe. Likewise, in the Teriyaki recipe a “shallow dish” is used for marinating six halves of three 2 lb. chickens. Moreover, the chicken halves must be turned several times while they marinate. These steps alone would not suggest to one of skill in the art that the pieces are immersed in the marinade.

Furthermore, as set forth in the Declaration, the chicken pieces were not able to be immersed in the marinade in the Stir-Fried recipe or the Teriyaki recipe. In preparing the chicken according to the recipes relied upon in *Good Cook* as suggested by the Examiner in the interview dated August 4, 2005, Applicant has demonstrated that *Good Cook* does not disclose immersing the individual slices into the seasoning liquid solution. Therefore, the disclosure in *Good Cook* would not have suggested to one of skill in the art to immerse individual slices into a seasoning liquid solution as in each of the independent claims of the claimed invention.

Accordingly, for at least the above reasons, Applicant respectfully submits that Claims 1 to 15 are allowable over *Good Cook*.

Claims 1 to 15 were again rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,012,808 to *Strong* ("*Strong*").

Strong fails to teach or suggest slicing a chilled part or meat product into individual slices as in the claimed invention. *Strong*, instead, discloses cutting a chicken into its nine parts, namely into its two drumsticks, two thighs, two wings, two side breasts and one keelbone. *Strong*, column 4, lines 65 to 68. Contrary to the assertion of the Patent Office, Applicant respectfully submits that slicing the chilled part into individual slices, each individual slice having a thickness sufficient to absorb a seasoning liquid solution throughout the entire slice, as in Claim 1, and slicing the meat product into individual slices, the slices being of such thickness so that a seasoning liquid solution can permeate across each slice, as in Claims 5 and 12, is not merely a personal preference and consumer appeal. Indeed, according to Applicant's Specification at, for example, page 3, lines 9-13, poultry parts are further sliced into individual slices of a thickness sufficient to cause each slice to readily absorb a marinade solution throughout the entire slice.

Nevertheless, even if it can be inferred that *Strong* discloses slicing the chilled part or the meat product into individual slices, as set forth in the Declaration submitted herewith, Applicant has performed each of the steps disclosed in *Strong* to demonstrate that the marinade solution in *Strong* does not permeate each piece throughout the entire piece. This can be seen in the photographs of Exhibit B which will be included in the Supplemental Response to be filed subsequent to the filing of this Response. Therefore, *Strong* fails to teach or suggest slicing the chilled part into individual slices, each individual slice having a thickness sufficient to absorb a seasoning liquid solution throughout the entire slice as in Claim 1. Accordingly, *Strong* also fails to teach or suggest slicing the meat product into individual slices, the slices being of such thickness so that a seasoning liquid solution can permeate across each slice in less than 30 seconds as in Claim 5. Likewise, *Strong* fails to teach or suggest slicing the meat product into individual slices, the slices being of such thickness so that a seasoning liquid solution can permeate across each slice as in Claim 12.

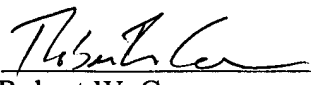
Strong also does not disclose maintaining individual slices in a seasoning solution for a time period sufficient for the solution to permeate each slice throughout the entire slice as in the claimed invention. The Patent Office suggests that repeated lifting of the chicken pieces in and out of the marinade in *Strong* will achieve results substantially equivalent to those obtained by immersion. The fact remains that nothing in *Strong* teaches or suggests that the individual slices are maintained in the seasoning solution for a time period sufficient for the seasoning liquid solution to permeate each slice throughout the entire slice as in the claimed invention. Indeed, as discussed above and as set forth in the Declaration, in performing each of the steps disclosed in *Strong*, Applicant has demonstrated that the marinade solution in *Strong* does not permeate each piece throughout the entire piece. Therefore, *Strong* does not teach or suggest maintaining the individual slices in the seasoning solution for a time period sufficient for the seasoning liquid solution to permeate each slice throughout the entire slice as in the claimed invention.

For at least these reasons, Applicant respectfully submits that neither *Good Cook* nor *Strong* teaches or suggests the features of Claims 1, 5 and 12 taken individually or read together. Therefore, Claims 1, 5 and 12 are patentably distinguished over both *Good Cook* and *Strong*. Accordingly, Applicant respectfully submits that independent Claim 1, and Claims 2 to 4 that depend from Claim 1, independent Claim 5, and Claims 6 to 11 that depend from Claim 5, and independent Claim 12, and Claims 13 to 15 that depend from Claim 12, are in condition for allowance.

Applicant has made an earnest endeavor to place this application in condition for allowance and respectfully requests that the current rejections be withdrawn and that the application be deemed in a condition for allowance.

Respectfully submitted,

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